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09/652,502	08/31/2000	Leon Wong	13768.138	3677
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PERKINS COLE LLP/MSFT P. O. BOX 1247 SEATTLE, WA 98111-1247			GOLD, AVI M	
		ART UNIT		PAPER NUMBER
				2157

DATE MAILED: 02/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/652,502	WONG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 November 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-32 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This amendment received on November 22, 2004 had be entered and fully considered.

### ***Response to Amendment***

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-14, 16-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney, U.S. Patent No. 6,487,584 further in view of Isaacs et al., U.S. Patent No. 6,760,754.

Bunney teaches the invention substantially as claimed including a multiple personality internet account (see abstract).

As to claim 1, Bunney teaches at a server computer system that is network connectable to a plurality of client computer systems, at least first and second client computer systems being configured to indicate a status for and to send and receive electronic messages for an electronic messaging user, a method for updating a master status of the electronic messaging user notwithstanding that the first client computer system and second client computer system may indicate different statuses for the

electronic messaging user, the master status being the status that is reflected to other client computer systems, the method comprising:

maintaining at the server a first view status for the electronic messaging user, the first view status indicating the status of the electronic messaging user as detected at the first client computer system when the user is logged on via the first client computer system as an electronic messaging user (col. 1, lines 60-67, Bunney discloses an address a user has logged in with on a certain terminal);

maintaining at the server a second view status for the electronic messaging user, the second view indicating the status of the electronic messaging user as detected at the second client computer system when the user is logged on via the second client computer system as an electronic messaging user (col. 1, lines 60-67);

receiving at the server a first status update from the first client computer system, the first status update indicating that the first client computer system has detected a change in the status of the electronic messaging user (col. 7, lines 5-7, Bunney discloses that users can be available, away, invisible, or busy);

in response to receiving the first status update, the server evaluating at least the first status update, the first view status and the second view status according to specified status rules to determine the master status of the electronic messaging user (col. 9, lines 1-20, Bunney discloses the server checking the table to see which address to send a notification to); and

storing the master status at the server in a master view corresponding to the electronic messaging user such that an appropriate status for the electronic messaging

user is provided to other electronic messaging users (col. 7, lines 5-30, col. 9, lines 25-35, Bunney discloses a user's main status shown to other users is stored at the server).

Bunney fails to teach the limitation further including the user being logged on via both the first client computer system and the second client computer system as an electronic messaging user.

However, Isaacs teaches a system, method, and apparatus for communicating via sound messages and personal sound identifiers (see abstract). Isaacs teaches the use of a user "logged on" to two or more devices and the user having an "active" state on one device (col. 5, lines 10-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney in view of Isaacs to have a user being logged on via both the first client computer system and the second client computer system as an electronic messaging user. One would be motivated to do so because it allows the user to be logged onto multiple devices and it allows other users to find them based on their state.

Regarding claim 2, Bunney teaches a method as defined in claim 1, further comprising:

associating a first view identifier with the first view status; and  
associating a second view identifier with the second view status. (fig. 3, Bunney discloses a table for each users multiple user profiles).

Regarding claim 3, Bunney teaches a method as defined in claim 1, further comprising:

updating the first view status in accordance with the first status update (col. 7, lines 5-7; col. 9, lines 16-20).

Regarding claim 4, Bunney teaches a method as defined in claim 1, wherein evaluating further comprises determining whether the master status should reflect the first status update (col. 7, lines 5-30).

Regarding claim 5, Bunney teaches a method as defined in claim 1, further comprising reflecting the master status to at least one client computer system associated with another electronic messaging user (col. 7, lines 5-30).

Regarding claim 6, Bunney teaches a method as defined in claim 1, wherein storing further comprises changing the master status to the status indicated in the first status update (col. 7, lines 5-30).

Regarding claim 7, Bunney teaches a method as defined in claim 1, wherein storing further comprises the step of retaining the master status even though the status indicated in the first status update differs from the master status (col. 9, lines 25-32; Bunney discloses a status change to one identity does not affect his main identity).

Regarding claim 8, Bunney teaches a method as defined in claim 1, wherein evaluating further comprises changing the master status according to a priority system (col. 9, lines 21-35 Bunney discloses a main status based on how a user set it for each identity).

As to claim 10, Bunney teaches at a server that is network connectable to a plurality of clients, each client in the plurality of clients maintaining a status for an electronic messaging user and each client being configured to receive electronic messages addressed to the electronic messaging user, the electronic messaging user having presence information maintained at the server, a method for updating the presence information that is to be reflected to subscribers, the method comprising the steps of:

creating at the server a view status for each of the one or more clients in the plurality of clients, each view status representing the status of the electronic messaging user detected at a corresponding client, each view status being identified by a unique view identifier (col. 1, lines 60-67, fig. 3);

consolidating at the server the presence information for the electronic messaging user based on an evaluation of each view status such that the consolidated presence information is representative of a current status of the electronic messaging user even if some view statuses differ, wherein the consolidated presence information is maintained in a master view;

receiving at the server a status update from one of the one or more clients; and

updating at the server the consolidated presence information for the electronic messaging user in the master view based on an evaluation of the status update and each view status (col. 7, lines 5-30, col. 9, lines 25-35).

Bunney fails to teach the limitation further including the electronic messaging user being logged on as an electronic messaging user through at least two clients at the same time.

However, Isaacs teaches the use of a user "logged on" to two or more devices and the user having an "active" state on one device (col. 5, lines 10-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney in view of Isaacs to use a electronic messaging user being logged on as an electronic messaging user through at least two clients at the same time.

Regarding claim 11, Bunney teaches a method as defined in claim 10, wherein creating further comprises receiving a first status change at the server, the first status change being representative of an initial status of one of the one or more clients (col. 7, lines 5-7, col. 9, lines 16-20).

Regarding claim 12, Bunney teaches a method as defined in claim 10, wherein consolidating the presence information further comprises comparing each view status to determine a current status of the user, the current status corresponding to the presence information (col. 7, lines 5-30, col. 9, lines 1-35).

Regarding claim 13, Bunney teaches a method as defined in claim 10, wherein each status update is reflected in an associated client view status, the associated client view status being identified by a view identifier sent with each status update (fig. 3, col. 7, lines 5-7, col. 9, lines 16-20).

Regarding claim 14, Bunney teaches a method as defined in claim 10, wherein updating further comprises changing the presence information according to a priority system (col. 9, lines 21-35).

Regarding claim 16, Bunney teaches a method as defined in claim 10, wherein updating presence information in the master view to the further comprises reflecting the updated subscribers (col. 7, lines 5-30).

Regarding claim 17, Bunney teaches a method as defined in claim 10, wherein updating further comprises changing the client view status associated with the status change, such that the client view status accurately reflects the status change (fig. 3, col. 7, lines 5-30, col. 9, lines 16-20).

Regarding claim 18, Bunney teaches a computer-readable medium having computer executable instructions for performing the method recited in claim 10 (col. 5, lines 17-19, Bunney discloses process servers that execute software processes).

As to claim 19, Bunney teaches in an instant messaging group having a user associated with multiple clients, each client configured to detect a status of the user and to send and receive electronic messages for the user, the user having consolidated presence information representative of a master status stored at a server, the master status representing the status that is reflected to subscribers even if the user status detected at some of the multiple clients differs, a method for reflecting the master status to subscribers, the method comprising the steps of:

for each of the multiple clients, creating at the server a client view status at a server when each of the multiple clients sends a first status change to the server, each client view status representing the status of the user as detected at a corresponding client (col. 1, lines 60-67);

assigning at the server a view identifier to each client view status when the first status change is received at the server, wherein each view identifier associates one of the multiple clients with a corresponding client view status (fig. 3, col. 7, lines 5-7, col. 9, lines 16-20);

setting at the server the master status based on an evaluation of each client view status (col. 7, lines 5-30, col. 9, lines 25-35);

for each subsequent status change received from one of the multiple clients at the server, updating the master status in accordance with an evaluation of the subsequent status change and each client view status, wherein the presence

information reflected to the subscribers corresponds to the master status (col. 7, lines 5-30, col. 9, lines 21-35).

Bunney fails to teach the limitation further including the user being logged on to at least two clients at the same time to receive electronic messages.

However, Isaacs teaches the use of a user “logged on” to two or more devices and the user having an “active” state on one device (col. 5, lines 10-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney in view of Isaacs to use a user being logged on to at least two clients at the same time to receive electronic messages.

Regarding claim 20, Bunney teaches a method as defined in claim 19, wherein the client view status is representative of a current status of an associated client (col. 1, lines 60-67, col. 7, lines 5-7, col. 9, lines 16-20).

Regarding claim 21, Bunney teaches a method as defined in claim 19, wherein setting the master status further comprises reflecting the master status to the subscribers (col. 7, lines 5-30).

Regarding claim 22, Bunney teaches a method as defined in claim 19, wherein updating the master status further comprises changing the master status according to a priority system (col. 9, lines 21-35).

Regarding claim 24, Bunney teaches a method as defined in claim 19, wherein the master status reflected to the subscribers is representative of a current status of the user (col. 7, lines 5-30).

Regarding claim 25, Bunney teaches a method as defined in claim 19, fudher comprising selecting one of the client view statutes to be represented in the master status (col. 9, lines 21-35).

Regarding claim 26, Bunney teaches a computer-readable medium having computer-executable instructions for performing the method recited in claim 19 (col. 5, lines 17-19).

As to claim 27, Bunney teaches a computer program product for use in an instant messaging system having a user associated with one or more clients, each client in the one or more clients configured to detect a status of the user and to send and receive electronic messages for the user, the user having presence information reflected to subscribers, the computer program product for implementing a method for updating the presence information, the computer program product comprising:

a computer-readable medium carrying executable instructions that, when executed, cause a server to perform the following:

create at the server a view status for each of the one or more clients, each view status representing the status of the user detected at a corresponding client, each view status being identified by a unique view identifier (col. 1, lines 60-67, fig. 3);

consolidate at the server presence information for the user based on an evaluation of each view status such that the consolidated presence information is representative of a current status of the user;

receive at the server a status update from one of the one or more clients;

update at the server the consolidated presence information for the user according to the status update; and

reflect at the server the updated consolidated presence information to the subscribers such that appropriate presence information is provided to the subscribers even if some view statuses differ (col. 7, lines 5-30, col. 9, lines 16-35).

Bunney fails to teach the limitation further including the user being logged on to at least two clients at the same time to receive electronic messages.

However, Isaacs teaches the use of a user “logged on” to two or more devices and the user having an “active” state on one device (col. 5, lines 10-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney in view of Isaacs to use a user being logged on to at least two clients at the same time to receive electronic messages.

3. Claims 9, 15, 23, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney and Isaacs in view of Aravamudan et al., U.S. Patent No. 6,301,609 further in view of Munday et al., U.S. Patent No. 6,480,593.

Bunney teaches the invention substantially as claimed including a multiple personality internet account (see abstract). Isaacs teaches the invention substantially as claimed including a system, method, and apparatus for communicating via sound messages and personal sound identifiers (see abstract).

As to claims 9, 15, 23, and 28, Bunney and Isaacs teach a method and computer program product as defined in claims 8, 14, 22, and 27, wherein changing the master status according to a priority system further comprises:

changing the master status to offline if the first status update indicates the electronic messaging user is invisible (col. 7, lines 10-15, Bunney discloses the use of being invisible to other users).

Bunney and Isaacs fail to teach the limitation further including refraining from changing the master status if the first status update indicates the electronic messaging user is offline; refraining from changing the master status if the first status update indicates the electronic messaging user is idle; changing the master status to offline if the first status update indicates the electronic messaging user is offline and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is offline; and changing the master status to idle if the first status update indicates the electronic messaging user is idle and

one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is idle or offline.

However, Aravamudan teaches the use of instant messaging in conjunction with access to data and communication network channels and modes (see abstract). Aravamudan teaches the use of the proxy always appearing available to the buddy (col. 9, lines 64-67; col. 10, lines 1-51) and real presence being advertised to other who have identified the user as a buddy (col. 9, lines 45-67; col. 10, lines 1-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney and Isaacs in view of Aravamudan to refrain from changing the master status if the first status update indicates the electronic messaging user is offline; change the master status to offline if the first status update indicates the electronic messaging user is offline and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is offline; and change the master status to idle if the first status update indicates the electronic messaging user is idle and one or more remaining view statuses associated with the messaging client, including the second view status, indicate the electronic messaging user is idle or offline. One would be motivated to do so because it would result in the most accurate presence for a user.

Bunney, Isaacs and Aravamudan fail to teach refraining from changing the master status if the first status update indicates the electronic messaging user is idle.

However, Munday teaches a communications system automatically diverting calls when user is not present (see abstract). Munday teaches the use of keeping the main status when a computer is determined idle (col. 4, lines 51-67; col. 5, lines 1-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bunney and Isaacs in view of Munday to refrain from changing the master status if the first status update indicates the electronic messaging user is idle. One would be motivated to do so because it would allow a user to always appear available at their computer.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 29-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Isaacs et al., U.S. Patent No. 6,760,754.

Isaacs teaches the invention as claimed including a system, method, and apparatus for communicating via sound messages and personal sound identifiers (see abstract).

Regarding claim 29, Isaacs teaches A method in a server for generating a master presence status of a user who is online via multiple clients at the same time, the method comprising:

for each of the multiple clients through which the user is currently online, receiving at the server a client presence status of the user as reported by the client (col. 5, lines 16-21, Isaacs discloses clients updating their presence information); and generating the master presence status representing a current presence status of the user based on the received client presence statuses reported by the multiple clients (col. 5, lines 24-30, Isaacs discloses a user logged onto two or more devices with a proper state represented).

Regarding claim 30, Isaacs teaches the method of claim 29 wherein when the client presence status reported by one client indicates that the user is busy and by another client indicates that the user idle, setting the master presence status to indicate that the user is busy (col. 5, lines 10-34).

Regarding claim 31, Isaacs teaches the method of claim 29 wherein when the client presence status reported by all but one client indicates that the client is offline, setting the master presence status to the client presence status of the client through which the user is currently online (col. 5, lines 10-34).

Regarding claim 32, Isaacs teaches the method of claim 29 including upon receiving at the server an indication that the client presence status of a client has changed, setting the master presence status based on the changed client presence status (col. 5, lines 10-34).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-28 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,564,261 to Gudjonsson et al.

U.S. Pat. No. 6,519,639 to Glasser et al.

U.S. Pat. No. 6,148,328 to Cuomo et al.

U.S. Pat. No. 5,943,478 to Aggarwal et al.

U.S. Pat. No. 5,909,543 to Tanaka et al.

U.S. Pat. Pub. No. 2002/0198952 to Bell.

U.S. Pat. No. 6,463,471 to Dreke et al.

U.S. Pat. No. 5,825,864 to McGraw et al.

U.S. Pat. No. 5,757,901 to Hiroshige.

U.S. Pat. No. 6,697,840 to Godefroid et al.

U.S. Pat. No. 5,315,636 to Patel.

U.S. Pat. No. 6,678,719 to Stimmel.

U.S. Pat. No. 6,668,167 to McDowell et al.

U.S. Pat. No. 5,596,633 to Meier et al.

U.S. Pat. No. 6,389,127 to Vardi et al.

U.S. Pat. No. 6,473,098 to Wakai et al.

U.S. Pat. Pub. No. 2001/0042126 to Wong et al.

U.S. Pat. No. 6,658,095 to Yoakum et al.

U.S. Pat. No. 6,668,173 to Greene.

U.S. Pat. Pub. No. 2002/0019942 to Wakai et al.

U.S. Pat. No. 6,141,662 to Jeyachandran

U.S. Pat. No. 6,549,937 to Auerbach et al.

U.S. Pat. No. 5,764,639 to Staples et al.

U.S. Pat. No. 6,678,719 to Stimmel

U.S. Pat. No. 6,606,647 to Shah et al.

U.S. Pat. No. 6,349,327 to Tang et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 571-272-4002. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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